

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FISH, WILDLIFE AND PARKS**

**Call to Order:** Chairman Kendall Van Dyk, on February 17, 2009 at 2:59 P.M., in Room 152 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Kendall Van Dyk, Chairman (D)  
Rep. Gordon R. Hendrick, Vice Chairman (R)  
Rep. Dick Barrett (D)  
Rep. Carlie Boland (D)  
Rep. Joel Boniek (R)  
Rep. Frosty Boss Ribs (D)  
Rep. Mike Miller (R)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Cary Smith (R)  
Rep. Ted Washburn (R)  
Rep. Jeffery Welborn (R)

**Members Excused:** None.

**Members Absent:** Rep. Dave McAlpin, Vice Chairman (D)  
Rep. Paul Beck (D)  
Rep. Jill Cohenour (D)  
Rep. Mike Milburn (R)  
Rep. Mike Phillips (D)  
Rep. JP Pomnichowski (D)

**Staff Present:** Bryce Bennett, Committee Secretary  
Doug Sternberg, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 314; HB 434; HB 585

Executive Action: HB 42; HB 443; HB 527; HJ 15

**HEARING ON HB 585**

**Opening Statement by Sponsor:**

00:03:17 Rep. Edith (Edie) McClafferty (D), HD 75, opened the hearing on HB 585, Implement PL/PW recommendations: "Come Home to Hunt" pilot project.

00:03:46 Rep. Beck arrived.

00:04:39 Rep. Cohenour arrived.

**Proponents' Testimony:**

00:07:20 Land Tawney, Private Land Public Wildlife Council

[EXHIBIT\(fih37a01\)](#)

00:10:07 Rep. Pomnichowski arrived.

00:10:33 Dan Vermillion, Private Land Public Wildlife Council

00:14:00 John Ward, Private Land Public Wildlife Council

00:16:30 Dick Iversen, Private Land Public Wildlife Council

00:18:52 Bob Gibson, self

00:22:12 Paul Sihler, Department of Fish, Wildlife, and Parks

[EXHIBIT\(fih37a02\)](#)

00:23:22 Mike Penfold, Private Land Public Wildlife Council

00:23:57 Tom Hougen, Montana Stock Growers Association

00:24:37 Mark Robbins, self

00:25:35 Danny McClafferty, self

00:26:47 Jean Johnson, Montana Outfitters and Guides Association

[EXHIBIT\(fih37a03\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:28:21 Rep. Pomnichowski

00:28:49 Rep. McClafferty

00:29:05 Rep. Pomnichowski

00:29:20 Rep. McClafferty

00:29:25 Rep. Pomnichowski

00:29:53 Rep. McClafferty

00:30:14 Rep. Pomnichowski

00:30:32 Mr. Sihler  
00:31:05 Rep. Pomnichowski  
00:31:12 Mr. Sihler  
00:32:05 Rep. Washburn  
00:32:46 Mr. Sihler  
00:33:04 Rep. Washburn  
00:33:31 Rep. Boland  
00:33:54 Mr. Sihler  
00:34:59 Chairman Van Dyk  
00:35:23 Rep. Miller  
00:35:51 Rep. McClafferty  
00:36:06 Mr. Sihler  
00:36:29 Alan Charles, Private Land Public Wildlife Council

**Closing by Sponsor:**

00:37:19 Rep. McClafferty

**HEARING ON HB 434**

**Opening Statement by Sponsor:**

00:38:29 Rep. Franke Wilmer (D), HD 64, opened the hearing on  
HB 434, Crossbow use by certain disabled hunters.

**EXHIBIT(fih37a04)**

00:44:36 Rep. Phillips arrived.

**Proponents' Testimony:**

00:45:15 Chuck Rein, self  
00:46:15 Ryan Jennings, self  
**EXHIBIT(fih37a05)**  
00:56:14 Rep. Cheryl Steenson, HD 8, Kalispell  
00:57:16 Clayton Fiscus, self  
00:59:04 Lorena Pettit, self

**Opponents' Testimony:**

01:01:04 Jim Gappa, Montana Bow Hunters Association  
**EXHIBIT(fih37a06)**  
01:03:10 Charlie Johnson, self  
01:07:38 Greg Munther, self  
01:10:02 Gary Carbahol, self  
01:11:18 Vince Burns, self  
01:13:08 Brenden Burns, self  
**EXHIBIT(fih37a07)**  
01:14:57 Jason Townsly, self

01:16:18 Steve Kamps, self

01:20:37 Bill Lewis, self

**Informational Testimony:**

01:25:06 Ron Aasheim, Director, Conservation Education Division,  
Department of Fish, Wildlife, and Parks (FWP)

**EXHIBIT(fih37a08)**

**Questions from Committee Members and Responses:**

01:27:20 Rep. Barrett

01:28:03 Rep. Wilmer

01:28:55 Rep. Barrett

01:29:11 Rep. Wilmer

01:31:02 Rep. Smith

01:31:38 Rep. Wilmer

01:33:05 Rep. Smith

01:33:17 Mr. Jennings

01:35:40 Rep. Smith

01:35:59 Mr. Jennings

01:37:15 Rep. Boniek

01:37:50 Mr. Gappa

01:38:33 Rep. Boniek

01:38:45 Mr. Gappa

01:39:00 Rep. Peterson

01:39:38 Rep. Wilmer

01:40:06 Rep. Boniek

01:40:35 Mr. Aasheim

01:41:04 Chairman Van Dyk

01:42:01 Mr. Johnson

**Closing by Sponsor:**

01:42:34 Rep. Wilmer

01:45:28 Break

01:55:18 Reconvene

01:55:23 Chairman Van Dyk asked Vice Chair Gordon Hendrick to  
take over as temporary Chair.

**HEARING ON HB 314**

**Opening Statement by Sponsor:**

01:56:29 Rep. Kendall Van Dyk (D), HD 49, opened the hearing on  
HB 314, Revise fish and game laws--game animal damage  
mitigation act.

01:58:55 Rep. Milburn arrived.

**Proponents' Testimony:**

02:04:17 George Golie, Montana Wildlife Federation

02:08:55 Tim Aldrich, Montana Wildlife Federation/ Hellgate  
Hunters and Anglers Association

02:11:50 Hugo Tureck, self

02:15:38 Chris Marchion, self

**EXHIBIT(fih37a09)**

02:18:56 John Gibson, Billings Rod and Gun Club

02:22:03 Bill Orsello, self

02:24:19 Mr. Munther

02:26:15 Mr. Johnson

02:26:58 Mr. Vermillion

**Opponents' Testimony:**

02:29:46 Jack Ross, self

02:34:15 Chuck Denowh, United Property Owners of Montana

02:38:34 Mr. Fiscus

02:39:49 Bart Story, self

02:40:22 Mr. Robbins

02:44:15 Arial Overstreet, Montana Cattle Women/ Montana Stock  
Growers Association

**EXHIBIT(fih37a10)**

02:47:35 Nicole Rolf, Montana Farm Bureau Federation

02:49:00 John Scully, self

02:52:50 Jim Espy, self

02:54:50 John Godfry, self

02:57:55 Joe Roberts, Montana Association of Realtors

02:58:42 Kelly Flynn, self

**EXHIBIT(fih37a11)**

03:01:50 Mr. Rein

**EXHIBIT(fih37a12)**

03:03:37 Mr. Hougan

03:04:26 Deanna Robbins, FWP Advisory Committee

03:06:30 Mr. Iversen

03:09:02 Jeff Klein, self

03:10:09 Ms. Johnson

**EXHIBIT(fih37a13)**

03:11:17 Fred Rodgers, self

**Informational Testimony:**

03:12:08 Ken McDonald, Administrator, FWP

**EXHIBIT(fih37a14)**

**Questions from Committee Members and Responses:**

03:17:20 Rep. Smith  
03:18:00 Mr. Rein  
03:18:28 Rep. Smith  
03:18:48 Mr. Rein  
03:19:12 Rep. Smith  
03:19:24 Mr. Rein  
03:19:56 Rep. Washburn  
03:20:53 Mr. McDonald  
03:21:04 Rep. Washburn  
03:21:08 Mr. McDonald  
03:21:32 Rep. Washburn  
03:21:50 Mr. McDonald  
03:23:17 Rep. Washburn  
03:23:39 Mr. McDonald  
03:24:12 Rep. Washburn  
03:24:42 Mr. McDonald  
03:25:18 Rep. Beck  
03:25:49 Mr. McDonald  
03:27:32 Rep. Beck  
03:27:48 Mr. McDonald  
03:28:06 Rep. Boniek  
03:28:21 Mr. McDonald  
03:28:49 Rep. Barrett  
03:29:19 Mr. McDonald  
03:29:49 Rep. Miller  
03:30:06 Mr. McDonald  
03:30:32 Rep. Miller  
03:30:50 Mr. McDonald  
03:31:02 Rep. Miller  
03:31:16 Mr. McDonald

**Closing by Sponsor:**

03:32:07 Rep. Van Dyk

03:37:18 Break

03:41:28 Reconvene

**EXECUTIVE ACTION ON HB 42**

03:43:30 **Motion:** Rep. Hendrick moved that **HB 42 DO PASS AS AMENDED.**

**Discussion:**

03:43:48 Chairman Van Dyk

03:44:30 Rep. Peterson

03:44:51 Rep. Peterson called the question.

03:44:56 **Vote:** Motion carried 17-1 by voice vote with Rep. Pomnichowski voting no. Rep. Calf Boss Ribs, Rep. McAlpin, and Rep. Milburn voted by proxy.

**EXECUTIVE ACTION ON HB 443**

03:46:16 **Motion:** Rep. Pomnichowski moved that **HB 443 DO PASS.**

**Discussion:**

03:46:41 Rep. Cohenour

03:47:21 Rep. Phillips

03:47:39 Rep. Smith

03:48:01 Rep. Cohenour

03:48:30 Rep. Boniek

03:48:45 Rep. Phillips

03:49:51 Chairman Van Dyk

03:50:14 Rep. Peterson

03:50:32 Rep. Cohenour called the question on HB 443.

03:50:35 **Vote:** Motion carried 10-8 by roll call vote with Rep. Boniek, Rep. Hendrick, Rep. Miller, Rep. Peterson, Rep. Smith, Rep. Washburn, and Rep. Welborn voting no. Rep. Calf Boss Ribs, Rep. McAlpin, and Rep. Milburn voted by proxy.

**EXECUTIVE ACTION ON HB 527**

03:52:15 **Motion:** Rep. Peterson moved that **HB 527 DO PASS.**

**Discussion:**

03:52:25 Rep. Hendrick

03:53:19 Rep. Phillips

03:54:00 Rep. Cohenour

03:54:28 Rep. Peterson

03:54:53 **Motion:** Rep. Miller moved that **HB 527 BE TABLED.**

03:55:00 **Vote:** Motion carried 16-2 by voice vote with Rep. Hendrick voting no. Rep. Calf Boss Ribs, Rep. McAlpin, and Rep. Milburn voted by proxy.

**EXECUTIVE ACTION ON HJ 15**

03:55:43 **Motion:** Rep. Hendrick moved that **HJ 15 DO PASS.**

**Discussion:**

03:56:01 Rep. Welborn

03:56:56 **Motion:** Rep. Hendrick moved that **HJ 15 BE AMENDED.**  
**EXHIBIT**(fih37a15)

**Discussion:**

03:57:27 Doug Sternberg, Legislative Services Division (LSD)

03:58:13 Rep. Cohenour called the question on the amendment.

03:58:17 **Vote:** Motion carried unanimously by voice vote with Rep. Calf Boss Ribs, Rep. McAlpin, Rep. Milburn voting aye by proxy.

03:58:35 **Motion:** Rep. Hendrick moved that **HJ 15 DO PASS AS AMENDED.**

**Discussion:**

03:58:47 Chairman Van Dyk

03:59:46 Rep. Cohenour called the question on HJ 15.

03:59:49 **Vote:** Motion carried 17-1 by voice vote with Rep. Peterson voting no. Rep. Calf Boss Ribs and Rep. McAlpin voted by proxy.



**ADJOURNMENT**

Adjournment: 6:59 P.M.

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Bryce Bennett, Secretary

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Additional Documents:

**EXHIBIT ([fi37aad.pdf](#))**